IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1475 OF 2004
IN
INCOME TAX APPEAL (LDG.) NO. 561 OF 2004

The Commissioner of Income Tax, Mumbai. ... Appellant.

V/s.

M/s.Ruby Mills Limited. ... Respondent.

A.D.Kango for the appellant.

Mr.Murlidhar i/b. Rajesh Shah & Co. for the respondent.

CORAM : DR.S.RADHAKRISHNAN and V.C.DAGA, JJ.

DATED : 11th June 2007.

P.C. :

. Heard learned counsel for the appellant and learned counsel for the respondent.

2. By this notice of motion, appellant seeks to condone delay of 99 days in filing appeal.

3. Perused notice of motion and affidavit in support thereof. No affidavit in reply is filed controverting the contentions of the appellant. For the reasons stated therein sufficient cause is made out for condoning delay in filing appeal. There is no case of inaction, negligence or want of bonafide on the part of the appellant. Hence notice of motion is made absolute in terms of prayer clause (a).

(V.C.DAGA, J.) (DR.S.RADHAKRISHNAN, J.)